

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SHAWN KING,)	
)	CIVIL ACTION NO. 3:20-cv-243
Plaintiff,)	
)	JUDGE KIM R. GIBSON
v.)	
)	
BARRY SMITH et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This matter is before Magistrate Judge Cynthia Reed Eddy for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636 and Local Civil Rule 72.

Plaintiff Shawn King ("Plaintiff") is a state prisoner in the custody of the Pennsylvania Department of Corrections. Plaintiff has sued five corrections officers—SCI-Houtzdale Superintendent Barry Smith; SCI Houtzdale Deputy Superintendents Bobbi Jo Salamon, David Close, and Michelle Ivic; and SCI Houtzdale Mailroom Inspector Lucinda Gailey (collectively, "Defendants")—alleging that they violated his rights under the Eighth and First Amendments of the United States Constitution while Plaintiff was incarcerated at SCI-Houtzdale. (ECF No. 170).

During his time at SCI-Houtzdale, Plaintiff also filed four motions for preliminary injunctions within the context of this larger lawsuit. Specifically:

- On December 18, 2020, Plaintiff filed a Proposed Order to Show Cause. (ECF No. 8). Through this proposed order, Plaintiff asks the Court to enjoin Defendants from, inter alia, placing Plaintiff into a General Population housing unit or housing him in a cell with another inmate. (*Id.* at 1–2).

- On February 4, 2021, Plaintiff filed a Motion for Preliminary Injunction and Temporary Restraining Order. (ECF No. 32). In this motion, Plaintiff asks the Court to “[p]rohibit defendants from . . . ordering plaintiff to risk his safety or life by returning to general population or housing a cell mate until so directed permission to do so by this Court.” (*Id.* at 3).
- On May 10, 2021, Plaintiff filed a Motion for Temporary Restraining Order and A Preliminary Injunction. (ECF No. 63). Although Plaintiff does not expressly state in this motion what relief he seeks from the Court, the motion’s content and context indicates that he is asking the Court to enjoin Defendants from returning Plaintiff to a General Population housing unit or housing him in a cell with another inmate. (*See id.*).
- On July 9, 2021, Plaintiff filed another Motion for Temporary Restraining Order and Preliminary Injunction (ECF No. 99). In this motion, Plaintiff asks the Court to, inter alia, order “Defendants . . . to take substantive and meaningful steps to protect the plaintiff’s health, safety, and life from other inmates.” (*Id.* at 2). The motion’s content and context indicate that Plaintiff is again asking the Court to enjoin Defendants from returning Plaintiff to a General Population housing unit or housing him in a cell with another inmate. (*See id.*).

On April 6, 2022, Plaintiff notified the Court that he had been transferred from SCI-Houtzdale to SCI-Fayette on March 31, 2022. Shortly thereafter, on June 22, 2022, Magistrate Judge Eddy filed a Report & Recommendation (“R&R”) recommending that this Court deny all four of Plaintiff’s motions for preliminary injunctions (ECF Nos. 8, 32, 63, 99) as moot. (ECF No.

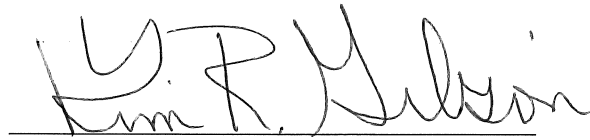
188 at 1). In the R&R, the Magistrate Judge informed Plaintiff that he could, in accordance with 28 U.S.C. § 636(b), Fed.R.Civ.P. 6(d) and 72(b)(2), and LCvR 72.D.2, file written objections to the R&R by July 11, 2022. (*Id.* at 3). Although Plaintiff did file objections to Magistrate Judge Eddy's separate R&R at ECF No. 187, (*see* ECF Nos. 189, 193), he did not file any objections to the Magistrate Judge's R&R at ECF No. 188. Because Plaintiff did not object timely to this R&R, this Court need give only "reasoned consideration" to the R&R by "afford[ing] some level of review to dispositive legal issues raised by the report[.]" *EEOC v. City of Long Branch*, 866 F.3d 93, 99–100 (3d Cir. 2017).

Upon reasoned review of the record in this matter and Magistrate Judge Eddy's R&R at ECF No. 188, the following order is entered.

AND NOW, this 5th day of October, 2022, it is **HEREBY ORDERED** that Magistrate Judge Eddy's R&R dated June 22, 2022 (ECF No. 188) is adopted as the Opinion of the Court for its reasoning and conclusion.

IT IS FURTHER ORDERED that Plaintiff's motions for preliminary injunctions (ECF Nos. 8, 32, 63, 99) are **DENIED**.

BY THE COURT:

A handwritten signature in black ink, reading "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON

UNITED STATES DISTRICT JUDGE